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OFFICE OF PETITIONS

In re Application of
Yazawa et al.
Application No. 10/601,453
Filed: June 23, 2003
Attorney Docket No. 1116-03

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: DECISION GRANTING PETITION
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This is a decision on the petition under 37 CFR 1.53, filed September 12, 2003, requesting that the above-identified application be accorded a filing date of June 23, 2003, with page 68 of the specification as part of the original disclosure.

On June 23, 2003, applicants filed the above-identified application. On September 3, 2003, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of June 23, 2003, and advising applicants that page 68 of the specification appeared to have been omitted.

In response, on September 12, 2003, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of Specification (62 pages), including claims (6 pages) and Abstract (1 page). Additionally, applicants submitted a copy of page 68 of the specification with the present petition.

Upon review of the record, page 68, deposited on June 23, 2003, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on June 23, 2003, included page 68 of the specification, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including page 68 of the specification, was complete on filing and will be granted a filing date of June 23, 2003.

Accordingly, the petition is granted. The Notice of Omitted Item(s) in a Nonprovisional Application was sent in error and is hereby vacated. The \$130.00 petition fee will be refunded to Deposit Account No. 50-2719, as requested.

The application will be processed with a filing date of June 23, 2003, using page 68 of the specification submitted on petition.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
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